

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

PRIME CAPITAL VENTURES, LLC,

Debtor.

Chapter 7
Case No. 23-11302-rel

MOTION TO FILE CERTAIN BANK ACCOUNT STATEMENTS UNDER SEAL

Petitioning creditors Compass-Charlotte 1031, LLC (“Compass”), 526 Murfreesboro, LLC (“526 Murfreesboro”) and Newlight Technologies Inc. (“Newlight”) (and together with Compass and 526, the “Petitioning Creditors”) hereby make this *Motion to File Certain Bank Account Statements Under Seal*.

1. Pursuant to 11 U.S.C. §105, Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”) 9018 and 9037 and Local Bankruptcy Rule (“Local Rules”) 9018-1, the Petitioning Creditors seek to file under seal Prime Capital Ventures, LLC’s (“Prime”) December 2023 statements for both of its KeyBank accounts and Prime’s CitiBank account statements from September 2022 through December 2023. These bank account statements are referred to in the Petitioning Creditors’ Response in Opposition to Prime’s Motion for a Bond (Dkt. No. 140) as Exhibits 13 and 14.

2. After this involuntary bankruptcy case was dismissed, Compass commenced an action in District Court on January 12, 2024. That same day, Judge D’Agostino entered an Order to Show Cause which, among other things, authorized Compass to take broad expedited discovery of Prime and other third parties. Pursuant to Judge D’Agostino’s order, Compass served subpoenas directly on KeyBank and CitiBank (among other institutions) and obtained Prime’s bank account statements.

3. Prime objected to Compass making these account statements public. For that reason, the Petitioning Creditors seek to file the statements under seal with this Court. Compass shared the statements with Prime. As a result, Prime has the same statements in its possession. The Petitioning Creditors seek to file the statements in this case to provide the Court with a complete the record, including indisputable documentary evidence confirming Prime's bank account balances as stated in the Petitioning Creditors' Opposition.

4. Since Prime already has these statements in its possession (and they are statements for Prime's own bank accounts), Prime cannot claim any prejudice or surprise.

5. Pursuant to Section 105 of the Bankruptcy Code and Federal Rules 9018 and 9037, the Court has the authority to authorize certain filings to be made under seal.

6. For the reasons stated above, Petitioning Creditors request that the Court exercise its discretion and authorize the filing of the above referenced bank account statements under seal as Exhibits 13 and 14 to the Petitioning Creditors' Opposition.

Dated: Albany, New York
March 1, 2024

NOLAN HELLER KAUFFMAN LLP

By: /s/ Justin A. Heller
Justin A. Heller, Esq.
Matthew M. Zapala, Esq.
Attorneys for Petitioning Creditors
80 State Street, 11th Floor
Albany, New York 12207
(518) 449-3300

Attorneys for Petitioning Creditors